

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JAMES G. ABOUREZK JANE FONDA and  
ROXANNE DUNBAR-ORTIZ,

Plaintiffs,

vs.

PROBUSH,COM, INC., a Pennsylvania  
Corporation,

Defendant.

Civ. 03-4146

**DEFENDANT'S ANSWERS TO  
PLAINTIFF'S INTERROGATORIES  
(First Set)**

STATE OF PENNSYLVANIA )  
 ) :SS  
COUNTY OF MONTGOMERY )

COMES NOW the above-named Defendant, being first duly sworn under oath, and  
hereby makes the following answers to Plaintiff's Interrogatories to Plaintiff First Set.

**ANSWERS TO INTERROGATORIES**

1. State Defendant Probush.com, Inc.'s state of incorporation, when it was incorporated, who its officers and shareholders are, whether it has operated under any other corporate names or d/b/as, and provide its federal tax ID number.

**ANSWER: ProBush.com Inc. – Pennsylvania; 2003; Officers and Shareholders –  
Michael Marino and Benjamin Marino**

2. State Defendant Michael Marino's full legal name, date of birth, social security number, current address and all addresses at which Defendant Marino has resided in the last ten (10) years, indicating the dates of residence at each such address.

**ANSWER: Michael Thomas Marino  
August 21, 1982**

**Current Address:**

**May 2004 - Present  
69 Wexford Drive, North Wales, PA 19454**

*Exhibit  
5*

**Previous Address:**

**Birth until April 2004**

**1962 Armstrong Drive, Lansdale, PA 19446**

3. State Defendant Benjamin Marino's full legal name, date of birth, social security number, current address and all addresses at which Defendant Marino has resided in the last ten (10) years, indicating the dates of residence at each such address.

**ANSWER: Benjamin Louis Marino, Jr.  
December 19, 1976**

**Current Address:**

**May 2004 - Present**

**69 Wexford Drive, North Wales, PA 19454**

**Previous Addresses:**

**1994 -**

**1962 Armstrong Drive, Lansdale, PA 19446**

**1995 -**

**Saint Joseph's University  
476 Innsbruck Hall, McShain  
Philadelphia, PA 19131**

**1996 -**

**Saint Joseph's University  
454 Innsbruck Hall, McShain  
Philadelphia, PA 19131**

**1997 -**

**Bala Apartments  
North 51 Street  
Philadelphia, PA 19131**

**1998 -**

**Merion Court Apartments**

**Apartment C1-1  
118 Montgomery Ave.  
Bala Cynwyd, PA 19004**

**1999 -**

**Merion Court Apartments  
Apartment C4-2  
118 Montgomery Ave.  
Bala Cynwyd, PA 19004**

**2000 -**

**Merion Court Apartments  
Apartment B2-1  
118 Montgomery Ave.  
Bala Cynwyd, PA 19004**

**2001 -**

**Spring Garden Apartments  
Spring Garden Street  
Ambler, PA 19002**

**2002 -**

**Korman Suites  
703 Wick Lane  
Blue Bell, PA 19422**

**2003 -**

**English Village Apartments  
700 Lower State Road  
North Wales, PA 19454**

4. What is the name, last known address, present whereabouts and place of employment of each person known or believed by the Defendants or anyone acting in Defendant's behalf to have any knowledge or information pertaining to the matter alleged in the Plaintiff's Verified Complaint. Provide a summary of their anticipated testimony.

**ANSWER: See Answer to Interrogatories Nos. 2 and 3. The Marinos will testify about the creation of the ProBush.com website and exercise of their First Amendment rights to free expression.**

5. State the name and address of each of Defendant Michael Marino's employers for the last ten (10) years, including the identity of direct supervisors, the positions he held for each employer, the dates of employment, including beginning and termination, and any promotion dates, the hourly wage or salary for each employment, and the reason for separation from each employer.

**ANSWER: Current Employer:**

**2002 – Present**

***Solid Technologies Inc.***

**650 Sentry Parkway Blue Bell, PA 19422**

**President: Benjamin L. Marino, Sr. (610) 260-9991**

**Previous Employers:**

**2002 – 2002**

***F.C. Kerbeck GMC Buick***

**100 Rte 73 N, Palmyra, NJ 08065-1041**

**Manager: Joe McGrath (888) 230-3219**

**Reason for Leaving: Future Advancement**

**2001 – 2002**

***Sullivan's***

***Lone Star Steakhouse & Saloon, Inc.***

**700 West Dekalb Pike**

**King of Prussia, PA 19406**

**(610) 878-9025**

**Minimum Server Wage + Tips**

**Reason for Leaving: Future Advancement**

**2000 – 2001**

***Outback Steakhouse***

**411 Doylestown Pike (Route 202)**

**Montgomeryville, PA**

**Howard Rosen: (215) 855-1060**

**Minimum Server Wage + Tips**

**Reason for Leaving: Future Advancement**

**2000 – 2000**

***T.G.I. Friday's***

**450 Montgomeryville Mall**

**North Wales, PA 19454  
(212) 412-4221  
Minimum Server Wage + Tips  
Reason for Leaving: Future Advancement**

6. State the name and address of each of Defendant Benjamin Marino's employers for the last ten (10) years, including the identity of direct supervisors, the positions he held for each employer, the dates of employment, including beginning and termination, and any promotion dates, the hourly wage or salary for each employment, and the reason for separation from each employer.

**ANSWER: Current Employer:**

***Software Marketing Consultants, Inc.*  
Controller  
Direct Supervisor – Benjamin L. Marino, Sr.  
\$3,300/month  
May 2000 - Present**

**Previous Employers:**

**1998 or 1999 (for one to two months)**

***Borders Books Store*  
Associate  
\$6.00/hour  
Reason for Leaving: I wanted to stock books and they kept making me do latte's and foam.**

**1993-1995**

***Best Products Montgomeryville*  
1 Airport Square  
North Wales, PA 19454  
Sales Associate  
Supervisor – Ron Huff  
\$5.15/hour  
Reason for Leaving: Left for college**

7. State whether Defendants have been a party to any civil litigation, other than the present lawsuit, and with respect to each, state the title of such proceedings, the court in which they were filed, the case numbers, the nature of the litigation, and the disposition thereof including the amount of any settlement paid to the Defendants or by the Defendants or on their behalf.

**ANSWER: *Laura Reese v. Michael Marino*, Case ID #566102491**

**Pennsylvania Montgomery County Domestic Relations  
Nature of Litigation: Support Hearing and Custody for Child**

8. Have any of the Defendants given any statements, whether written, recorded, or merely verbal, to any insurance company representative, or any other person, pertaining to any of the matters alleged in the Plaintiff's Verified Complaint. If so, state the name and address and employer of each person to whom the Defendants gave a statement, regardless of whether the Defendants retained a copy of such statement and the name and address of each person having custody of such statements.

**ANSWER: No.**

9. State the name and address of all persons from whom statements were taken by any of the Defendants, or on their behalf, including those taken by the Defendant's attorneys pertaining to any of the matters alleged in the Plaintiff's Verified Complaint, and state the date each was taken, the name and address and occupation of the person having each statement, and the name and address of the persons presently having custody or possession of each statement, and whether the same was written or recorded. Also, provide copies of any letters submitted to the Defendants concerning the matters alleged in the Plaintiff's Verified Complaint.

**ANSWER: None.**

10. If any of the Defendants intend to call as a witness at trial any individual who may have the qualifications to testify as an expert witness, state:
- The name and address of each such individual
  - The subject matter upon which each such individual is expected to testify,
  - The substance of the facts and opinions to which each such individual is expected to testify, and
  - A summary of the grounds for each opinion.

**ANSWER: A final determination with regard to trial experts has not yet been made. However, the Defendant does not anticipate calling any experts at this time. Any such disclosure will be made in accordance with the Federal Rules of Civil Procedure.**

11. State the full name, address, telephone number, date of birth and occupation of the persons providing answers to these interrogatories.

**ANSWER: Michael Thomas Marino  
August 21, 1982  
69 Weyford Drive, North Wales, PA 19454**



**Benjamin Louis Marino, Jr.**  
**69 Weyford Drive, North Wales, PA 19454**

12. If any, state the date, place and cause for any arrests or grand jury investigations ever suffered by Defendant Michael Marino and the final disposition of any charged or potential charges.

**ANSWER: None.**

13. If any, state the date, place and cause for any arrests or grand jury investigations ever suffered by Defendant Benjamin Marino and the final disposition of any charged or potential charges.

**ANSWER: None.**

14. Please describe in detail any changes that have been made to Defendant Probush.com's website since Plaintiff filed his complaint.

**ANSWER: The website has undergone numerous changes throughout the several years of its existence. None of these changes have been archived or saved.**

15. State completely and fully all representations, statements, declarations or admissions made by this party which you might attempt to make known to the judge or jury in the trial of this lawsuit.

**ANSWER: Objection. This interrogatory is vague and ambiguous. Without waiving said objection, please see the deposition of James Abourezk and related exhibits.**

16. Please describe the sources of funding for Probush.com, including any and all contributions to said website by individuals or other entities.

**ANSWER: The website has been paid for by Michael and Benjamin Marino out of personal funds. This amount is believed to be less than a few hundred dollars. Some additional minor revenue has come from CafePress.com, Allposters.com, and Google AdSense.**

17. Describe how the Defendants came to the conclusion, as posted on Probush.com, that James G. Abourezk was a traitor.

**ANSWER: The Defendant does not believe that James Abourezk is guilty of any crime. The Defendant had never even heard of Senator Abourezk before this lawsuit was filed. He was included on the politically satirical "Traitor List" parody along with approximately one hundred other celebrities and public figures that were posted en masse from the celebrated NION (Not In Our Name) Petition that was published worldwide.**

18. Describe how the Defendants came to the conclusion, as posted on Probush.com, that Roxanne Dunbar-Ortiz was a traitor.

**ANSWER:** The Defendant does not believe that Roxanne Dunbar-Ortiz is guilty of any crime. The Defendant had never even heard of Roxanne Dunbar-Ortiz before she moved to join this lawsuit. She was included on the politically satirical "Traitor List" parody along with approximately one hundred other celebrities and public figures that were posted en masse from the celebrated NION (Not In Our Name) Petition that was published worldwide.

19. Describe how the Defendants came to the conclusion, as posted on Probush.com, that the Jane Fonda was a traitor.

**ANSWER:** The Defendant does not believe that Jane Fonda is guilty of any crime. She was included on the politically satirical "Traitor List" parody along with approximately one hundred other celebrities and public figures that were posted en masse from the celebrated NION (Not In Our Name) Petition that was published worldwide.

20. List all assets of Probush.com, Inc.

**ANSWER:** Domain Names ProBush.com; Patriotlist.com; Traitorlist.com; probush.us; prokerry.com; georgebush.org and cash in the bank which as of April 5, 2005 had a balance of \$181.70.

21. List all bank accounts of Defendants probush.com, Michael Marino and Benjamin Marino.

**ANSWER:** Commerce Bank Checking & Savings, Wachovia

22. List all contributions to probush.com solicited because of the filing of this lawsuit against the Defendants.

**ANSWER:** Objection. This interrogatory seeks information beyond the limits of discovery permitted by Fed.R.Civ.P. 26(b). It seeks information that is not relevant to any claim or defense in this action. Additionally, good cause has not been shown to broaden the scope of discovery in accordance with Fed. R. Civ. P. 26(b). Furthermore, the interrogatory seeks information that is not even related to the subject matter of this action, and thus the information sought is undiscoverable even if good cause had been established. Without waiving said objection, the Defendant has not actually received any donations from any person, although there may be some small amount in the Amazon.com account, which the Defendant has never accessed.

23. List the time, date, and place of all media appearances, news stories, or press releases that Defendants have participated in since the instigation of this lawsuit.



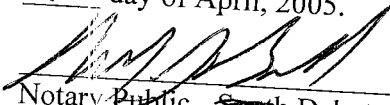
**ANSWER:** There have been no media appearances, no press releases, and news stories are unknown. Defendant has participated in at least half a dozen of various media – mostly internet articles and one Wall Street Journal Article, USA Today, Roll Call, etc.

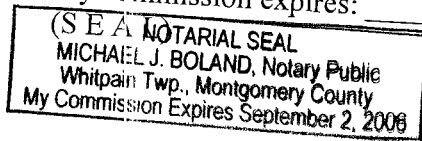
24. State whether Jeff Gannon, a.k.a. James D. Guckert, the Talon News, GOPUSA, or the Free Press Foundation has assisted the Defendants in any manner during the course of threatened litigation or after the actual filing of this action. If such assistance occurred, detail when it occurred, who provided the assistance, and what form the assistance took.

**ANSWER:** Objection. This interrogatory seeks information beyond the limits of discovery permitted by Fed.R.Civ.P. 26(b). It seeks information that is not relevant to any claim or defense in this action. Additionally, good cause has not been shown to broaden the scope of discovery in accordance with Fed. R. Civ. P. 26(b). Furthermore, the interrogatory seeks information that is not even related to the subject matter of this action, and thus the information sought is undiscoverable even if good cause had been established.

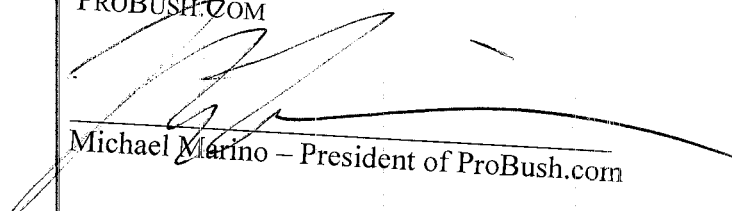
Dated this 25 day of April, 2005.

Subscribed and sworn to before me this  
25 day of April, 2005.

  
Notary Public - ~~South Dakota~~ Pennsylvania  
My commission expires:




PROBUSH.COM

  
Michael Marino - President of ProBush.com

### OBJECTIONS

The objections stated to Plaintiff's Interrogatories No.'s 15, 22 and 24 were made by Ronald A. Parsons, Jr., attorney for Defendant, for the reasons and upon the grounds stated herein.

Dated this 26<sup>th</sup> day of April, 2005.

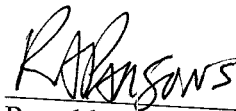
  
Ronald A. Parsons, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **Defendant's Answers to Plaintiff's Interrogatories** was served via hand delivery, upon the following:

Todd D. Epp  
ABOUREZK LAW OFFICES, P.C.  
P.O. Box 1164  
Sioux Falls, SD 57101-1164

on this 25<sup>th</sup> day of April, 2005.



Ronald A. Parsons, Jr.